



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APH - 3 2002

Paper No. 15

In re Application of :
Bernard T. Varnau : DECISION ON PETITION
Application No. 09/316,876 :
Filed: May 21, 1999 :
Attorney Docket No. 69849/468297 :

This is a decision on the petition filed on March 5, 2002 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a reply to the Notice of Missing Parts dated December 1, 2000. The petition is being considered under 37 CFR 1.181 and no fee is required for the petition. A refund of the \$130.00 petition fee will be scheduled.

The petition is granted.

Petitioner alleges that a reply to the Notice of Missing Parts was filed on May 2, 2001, and that the filing was timely by reason of a concurrently filed petition for a three month extension of time together with the fee therefor. This allegation is supported by copies of the papers purportedly filed and by a copy of a receipt for these papers showing that they were received in the Office on May 3, 2001. In addition petitioner has included canceled checks for the extension fee and the fees required for the reply to the Notice of Missing Parts. An inspection of the file shows that these papers have now been associated with the file, and the fees have been processed. It is clear, therefore, that this application was not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner to process the above discussed refund, and to process the Continued Prosecution Application (CPA) filed on July 24, 2000 and the reply to the Notice of Missing Parts which was filed on May 3, 2001. Thereafter, the application will be forwarded to the Supervisory Patent Examiner in Art Unit 3723 for appropriate action on the CPA and the papers filed therewith, it being noted that the Office letter dated August 24, 2000 was without effect in view of the fact that at the time that this letter was mailed, the CPA had not been perfected for examination.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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